HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 1913/2005 (S/S)
Suresh Chandra Kapri
and others
Vs
State of Uttaranchal
through Secretary (Home)
Uttaranchal

Approved for reporting. (Yes)

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~~Not approved for reporting~~

Date of decision 20.12.2005

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

WRIT PETITION NO. 1913 of 2005 (S/S)

Suresh Chandra Kapri
and others ..... Petitioners.

Vs.

State of Uttaranchal through
Secretary (Home), Uttaranchal
and other ..... Respondents.

December 20, 2005

Sri S.S. Yadav, learned counsel for the petitioners.
Sri Paresh Tripathi, Standing Counsel for the State.

Hon'ble Rajesh Tandon, J.

1. By the present writ petition, the petitioners have prayed for a writ of mandamus directing the respondents to grant the special pay, special work allowance, one month's extra pay for every financial year, motor cycle subsidy and other allowances to the petitioners since the date of entitlement.

2. Briefly stated, the petitioners were appointed as Ministerial Staff in the Police Department. The Ministerial Staff is enrolled under the Uttar Pradesh Police Act by the Government Order dated 06.09.1966 and they are non-gazetted personnel of the U.P. Police Force posted in different wings of the Police Department. According to the petitioners, they are the part and parcel of police force. They have made a representation on 2nd September 2005 for granting Special Pay, Work Allowance, Fixed House Rent Allowance, Motor Cycle Subsidy and one month's extra pay for every financial year.

3. Without entering into the merits of the controversy, the short submission of the petitioners is that their representation may be disposed of by Respondent No. 2. Learned counsel for the petitioners has referred to a decision of Allahabad High Court (Lucknow Bench) in Writ Petition No. 6700 of 1986 - K.K.Mishra and others Vs. State of U.P., which was relied in Writ Petition No. 141 of 2000 Vijay Prakash Srivastava and others Vs. State of U.P. and others, Following direction was given in the aforesaid judgment:

> "In view of what has been indicated herein above the writ petition succeeds. The writ in the nature of certiorari is issued quashing the order dated 08.05.1985 contained in Annexure- 19 of the writ petition.
>
> A writ in the nature of mandamus commanding the opposite parties to grant special work allowance, special pay, fixed house rent allowances, motor subsidy and one months extra pay to the petitioners who are working in the ministerial cadre of the U.P. Police Force in Intelligence Department at Para with the equivalent category of officers/office is balancing to the executive cadre working in the executive departments w.e.f. today, is also issued."

The petitioner shall refer these judgment at the time of hearing of the representation itself. The Standing Counsel has also submitted that the representation itself shall be disposed of within a period of six weeks after presentation of the copy of this order. Liberty is given to the petitioners to file fresh representation in case respondent no. 2 desires in that regard.

In view of the above, Respondent No.2 is directed to disposed of the representation of the petitioners within six weeks of the production of the certified copy of this order. He may ask for fresh representation from the petitioners, if he so desires. In that case, their representation shall be

disposed of within six weeks from the date of receipt of the representation.

Writ petition is disposed of accordingly.

(Rajesh Tandon, J.)

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